

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:24-HC-2175-M

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	MOTION TO HOLD CASE IN
v.)	ABEYANCE AND INCORPORATED
HASSAN YEHIA CHOKR,)	MEMORANDUM OF LAW
Reg. No. 37003-510,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves this Court to hold this case in abeyance pending resolution of Respondent's competency and restorability in his criminal case by the United States District Court for the Eastern District of Michigan.

On 27 September 2024, the Government filed a Certificate of Mental Disease or Defect and Dangerousness against Respondent. [D.E. 1]. Federal Medical Center Butner ("FMC Butner") evaluators have opined that Respondent is not competent to stand trial and requested authorization from the criminal court to involuntarily medicate Respondent pursuant to Sell v. United States, 539 U.S. 166 (2003). The United States District Court for the Eastern District of Michigan has yet to make a determination as to Respondent's competency and restorability to stand trial. See Docket Report, United States v. Chokr, No. 2:23-CR-20037 (E.D. Mich.).

Given that a finding of competency by the United States District Court for the Eastern District of Michigan would allow the criminal proceedings to move forward

and negate the need for the instant commitment proceeding, forging ahead with evaluations and litigation in this matter invites the potential waste of limited judicial and government resources. As such, in the interest of judicial efficiency and conservation of resources, the United States respectfully requests a stay of this matter pending resolution of Respondent's competency and restorability by the criminal court.

Respondent is not yet represented in this case. Therefore, the undersigned did not contact Respondent with respect to the relief requested in this motion.

For all the foregoing reasons, the United States of America respectfully requests this case, including all other deadlines, be held in abeyance pending resolution of the competency proceedings by the United States District Court for the Eastern District of Michigan.

Respectfully submitted, this 27th day of September 2024.

MICHAEL F. EASLEY, JR.
United States Attorney

By: /s/ Genna D. Petre
GENNA D. PETRE
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N.C. Bar # 49466

CERTIFICATE OF SERVICE

This is to certify that I have this 27th day of September 2024, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Hassan Yehia Chokr
Reg. No. 37003-510
Mental Health Unit
FMC Butner

and on the same day placed a copy of the foregoing motion, along with the proposed sealed forensic report, in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street
Suite 450
Raleigh, NC 27601

/s/ Genna D. Petre
GENNA D. PETRE
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